

Witcher, Melissa

From: Witcher, Melissa
Sent: Thursday, February 06, 2014 5:27 PM
To: Memme, Pauline
Cc: Starr, Tony; Diamond, Rebecca; Noel, Marie
Subject: RE: Contract No. EP-S7-13-10, SW Jefferson County Mining Site
Attachments: Sealand Letter 2-6-14 (2).doc

Hello,

Please find attached, a response to Mr. Starr's letter of January 7, 2014.

Thank you,

Melissa H. Witcher

Contracting Officer
US Environmental Protection Agency
EPA Region 7, PLMG/RFMB
11201 Renner Blvd.
Lenexa, KS 66219
(913) 551-7644 or (913) 551-9644 (Fax)

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United States Environmental Protection Agency
11201 Renner Blvd
Lenexa, Kansas 66219

2/6/2014

Samuel M. Starr
Mintz Levin
One Financial Center
Boston, MA 02111

RE: Contract NO. EP-S7-14-01, SW Jefferson County

Dear Mr. Starr,

EPA is in receipt of your letter, dated January 7, 2014.

Although it is unfortunate that the contract was terminated for convenience, termination was the appropriate course of action. As presented in the termination notice issued to Sealand on 10/23/2013, the reasons for the termination was as follows:

“An error was made in the computation of the total price proposed. Correction of the error resulted in the Sealand offer not being the best value to the Government under a competition where price is significantly more important than all technical factors when combined.”

Upon correction of the mathematical error, Sealand's proposal did not represent the best value. Your attention is directed to the contract solicitation section M-4 EPAAR 1552.71 EVALUATION FACTORS FOR AWARD (AUG 1999) which states award will be made to the responsible offeror(s) whose offer conforms to the solicitation and is most advantageous to the Government cost or other factors considered. For this solicitation, all evaluation factors other than cost or price when combined are significantly less important than cost or price. Solicitation section M-4 also outlined the award evaluation factors and significant subfactors to determine quality of product or service as follows: Corporate Experience; Key Personnel, and; Past Performance.

Please refer to contract EP-S7-13-10, clause I-80, FAR 52.249-1, TERMINATION FOR CONVENIENCE OF THE GOVERNMENT (FIXED-PRICE) (SHORT FORM) (APR 1984), and EPA letter dated 10/23/2013 providing Notice of Termination. Also, please refer to EPA letter dated 12/17/2013, Notice of Unsuccessful Offer, SOL-R7-13-00016, which included notice of the new contract award, EP-S7-14-01 for more information and guidance.

Regarding your request for confirmation of compliance with the bonding clause of the contract EP-S7-14-01, EPA can report that no breach of contract exists at this time.